


PATENT APPLICATION

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Stephen A. Skuser, Reg. No. 43,824

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/046,032
Applicant(s) : Joseph Wang, et al.
Filed : October 23, 2001
Title : MICROSENSORS FOR GLUCOSE AND INSULIN MONITORING
TC/A.U. : 3372
Examiner : Alexander S. Nogueraola
Docket No. : 37000 CIP 9720

Commissioner for Patents
United States Patent and Trademark Office
PO Box 1450
Alexandria, Virginia 22313-1450

DECLARATION OF JOSEPH WANG

I, JOSEPH WANG, hereby declare that:

1. I am a named inventor of the subject matter of the above-identified patent application. The other two named co-inventors are Xueji Zhang and Fang Lu.
2. The application is a continuation-in-part application of U.S. Patent Application Serial No. 09/216,353, entitled *Oxygen-Rich Oxidase Enzyme Electrodes*, filed on December 18, 1998, naming Joseph Wang and Fang Lu as co-inventors. This application also claims the benefit of the filing of U.S. Provisional Patent Application Serial No. 60/267,811, entitled *Needle-Type Dual Microsensor for the Simultaneous Monitoring of Glucose and Oxygen*, filed on February 8, 2001, and naming Joseph Wang and Xueji Zhang as co-inventors.
3. I am the author, with Xueji Zhang, of an article entitled "Needle-Type Dual Microsensor for the Simultaneous Monitoring of Glucose and Oxygen," published in *Anal. Chem.*

73:844-847, 2001. The paper copy of the article was published about February 15, 2001, but an electronic copy was published on the Internet by the American Chemical Society on or about January 19, 2001. This reference is referred to as the "Article" in this declaration.

3. The Article discloses a needle-type dual microsensor as claimed in claim 1. However, the article does not disclose a first conductive composite that includes an oxygen-rich binder, as claimed in dependent claims 8, 9 and 10.

4. Xueji Zhang and I were the inventors of the invention as disclosed in the Article and in U.S. Provisional Patent Application Serial No. 60/267,811. However, the above-identified patent application is broader in scope than either the Article or U.S. Provisional Patent Application Serial No. 60/267,811 in that it includes disclosure of and claims relating to a first conductive composite that includes an oxygen-rich binder. See, for example, page 11, line 26 of the above-identified patent application through page 14, line 22, and Examples 7 through 10. Fang Lu and I were the inventors of the invention as disclosed in U.S. Patent Application Serial No. 09/216,353, including the use of oxygen-rich binders in substrates utilized in oxygen-dependent enzymatic reactions in a depleted oxygen environment. This aspect is also claimed, in part, in the above-identified patent application, such as in dependent claims 8, 9 and 10.

5. Xueji Zhang and I are inventors on certain claims in the above-identified patent application, such as claim 1 thereof. However, Fang Lu and I are inventors on certain other claims in the above-identified patent application, such as dependent claims 8, 9 and 10.

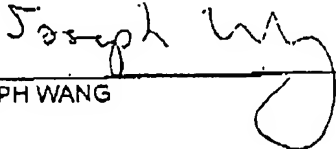
6. Fang Lu was not named as an author of the Article because he was not substantially involved in the development of the needle-type dual microsensor disclosed in the Article. However, he is properly named as an inventor in the above-identified patent application because he was properly named as an inventor in the parent application, U.S. Patent Application Serial No. 09/216,353, and inventive concepts from the parent application were included in the above-identified patent application, including, as discussed above, dependent claims 8, 9 and 10.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are

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punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-referenced application or any patent issuing thereon.

Date: December 22 2004



JOSEPH WANG



PEACOCK, MYERS & ADAMS, P.C.

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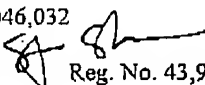
FAX COVER SHEET

December 23, 2004

TO: Examiner Alexander S. Noguerola, Group 3372

FIRM: U.S. Patent and Trademark Office

DOCUMENT: U.S. Serial No. 10/046,032

FROM: Stephen A. Slusher  Reg. No. 43,924

TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET): 4

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MESSAGE

Attached for filing in the referenced application is the Declaration of Joseph Wang. Please call me at (505) 998-6130 if you have any questions.

- ☒ Original will not follow
☐ Original will follow via:
☐ First-class mail
☐ Overnight delivery
☐ Hand delivery

CLIENT # 37000
MATTER # 720

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